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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Marc Husemann

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09/07/2010

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EXAMINER

NERANGIS, VICKEY MARIE

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

09/07/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**DETAILED ACTION**

1. All outstanding rejections, except for those maintained below, are withdrawn in light of applicant's amendment filed on 6/18/2010.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
3. No new grounds of rejection are set forth below. Thus, the following action is properly made final.

***Claim Rejections - 35 USC § 102***

4. Claims 1, 2, 5-9, 11-13, 15-17, and 19-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Azuma (JP 09-286958, machine translation).

The rejection is adequately set forth in paragraph 2 of Office action mailed on 4/20/2009 and is incorporated here by reference.

***Claim Rejections - 35 USC § 103***

5. Claims 4, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azuma (JP 09-286958, machine translation) in view of Parson or Boyce.

The rejection is adequately set forth in paragraph 3 of Office action mailed on 4/20/2009 and is incorporated here by reference.

6. Claims 1, 2, 4-8, 11-13, 15, 18-29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663).

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The rejection is adequately set forth in paragraph 8 of Office action mailed on 2/18/2010 and is incorporated here by reference.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663) in view of Sakurai (US 6,893,583).

The rejection is adequately set forth in paragraph 9 of Office action mailed on 2/18/2010 and is incorporated here by reference.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons (US 5,851,663) in view of Everaerts (US 5,648,425).

The rejection is adequately set forth in paragraph 10 of Office action mailed on 2/18/2010 and is incorporated here by reference.

### ***Response to Arguments***

9. Applicant's arguments filed 6/18/2010 have been fully considered but they are not persuasive. Specifically, applicant argues (A) that Azuma fails to disclose the entire claimed amount of flame retardant of 25-60 wt % and (B) that Parsons fails to disclose the claimed amount of flame retardant of 25-60 wt %.

With respect to argument (A), Azuma is not required to disclose the entire claimed range. Rather, MPEP 2131.03 (II) states that prior art which teaches a range overlapping or touching the claimed range anticipates if the prior art range discloses the claimed range with "sufficient specificity." Azuma discloses in paragraph 0028 that the amount of polyphosphoric acid ammonium flame retardant is used in an amount of 5-70 parts by weight per 100 parts by weight

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of acrylate adhesive component which, when converted, is about 4-41 wt % (as also calculated by applicant on pages 13-14 of the response filed 6/18/2010). It is the examiner's position that the range 4-41 wt % substantially overlaps with claimed range 25-60 wt % and therefore discloses the claimed range with "sufficient specificity."

With respect to argument (B), first, Parsons clearly teaches that non-halogen intumescent flame retardant such ammonium polyphosphate is utilized in an amount of 10-60 wt % based on the adhesive, which is similar to the examples which have amounts of ammonium polyphosphate in phr (parts per hundred resin or adhesive). Therefore, the range of 10-60 wt % based on the adhesive converts to about 9-38 wt % based on the adhesive composition which clearly overlaps with the claimed range of 25-60 wt %. Note in col. 17, line 66, wherein the example has 50 phr ammonium polyphosphate, which converts to about 33 wt % and which clearly falls within the claimed range.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Nerangis whose telephone number is (571) 272-2701.

The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vn

/Vickey Nerangis/  
Primary Examiner, Art Unit 1796